

PATENT APPLICATION

Attorney Docket: 1332-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellants:	DeLuca et al.	Examiner:	Pierre Louis Desir
Serial No.:	10/635,955	Group:	Art Unit 2617
Filed:	August 7, 2003	Dated:	June 7, 2010
For:	SYSTEM AND METHOD FOR RECEIVING AND TRANSFERRING A TELEPHONE DIRECTORY FROM ONE CELLULAR TELEPHONE TO THE SAME OR ANOTHER		

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Confirmation No. 1212

APPELLANTS' BRIEF ON APPEAL

Sir:

Appellants herewith respectfully present their Brief on Appeal.

I. REAL PARTIES IN INTEREST

The real parties in interest are Peter DeLuca and George Likourezos.

II. RELATED APPEALS AND INTERFERENCES

There are no other related appeals or interferences for this application.

III. STATUS OF CLAIMS

Claims 1-11, 13, 14, 17-26, 28-30 and 32 are currently pending, of which, Claims 1, 17 and 23 are in independent form. Claims 1-11, 13, 14, 17-26, 28-30 and 32 are rejected in the Final Office Action mailed on January 6, 2010. Claims 1-11, 13, 14, 17-26, 28-30 and 32 are the subject of this appeal. A copy of Claims 1-11, 13, 14, 17-26, 28-30 and 32 is presented in the Appendix of Claims.

IV. STATUS OF AMENDMENTS

The Final Office Action mailed on January 6, 2010 reiterated the same rejections previously addressed by the Appellants in response to an Office Action mailed on May 22, 2009. A response to the Final Office Action was not filed as the Appellants elected to file a Notice of Appeal on April 6, 2010. This Appeal Brief is in response to the Final Office Action dated January 6, 2010 which rejected all pending claims, namely, Claims 1-11, 13, 14, 17-26, 28-30 and 32.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The claimed subject matter relates to a cellular telephone capable of transmitting a unique identification code to a remote central station. The unique identification code corresponds to a telephone directory stored within the remote central station. The cellular telephone receives the telephone directory after being transmitted by the remote central station. The received telephone directory is stored in a memory of the cellular telephone.

A first aspect of the present disclosure, as claimed in independent Claim 1, relates to a cellular telephone comprising: a memory storing a telephone directory; a processor having access to the telephone directory stored in the memory; and a set of instructions capable of being executed by the processor for: establishing a communication link with a remote central station storing a plurality of telephone directories each assigned a unique identification code; transmitting a unique identification code to the remote central station; and receiving a telephone directory stored in a memory of the remote central station and assigned the transmitted unique identification code. The telephone directory includes at least one telephone directory listing created and transmitted to the remote central station using a computing device not corresponding to a subscriber of the cellular telephone. The received telephone directory is stored in the memory of the cellular telephone. (See, e.g., page 13, line 5 to page 14, line 20; page 19, line 21 to page 20, line 5; page 28, lines 3-14)

A second aspect of the present disclosure, as claimed in independent Claim 17, relates to a telephone directory management system comprising: a remote central station having a memory for storing a plurality of telephone directories each assigned an individual identification code and at least one processor having access to the plurality of telephone directories stored in the memory; and a plurality of cellular telephones each corresponding to a different subscriber and each storing a

telephone directory and having a processor for executing a set of instructions for: establishing a communication link with the remote central station; and transferring at least a portion of the telephone directory stored therein to the remote central station. The system further comprises a set of instructions capable of being executed by the at least one processor for: identifying at least a portion of a telephone directory of the plurality of telephone directories stored by the remote central station and corresponding to at least one of the plurality of cellular telephones and transferring at least the identified portion of the telephone directory to at least two of the plurality of cellular telephones. (See, e.g., page 14, line 11 to page 16, line 18; page 22, lines 8-21; page 23, line 9 to page 25, line 7)

A third aspect of the present disclosure, as claimed in independent Claim 23, relates to a method for managing telephone directories corresponding to a plurality of cellular telephones, said method comprising the steps of: storing a plurality of telephone directories each corresponding to a respective one of the plurality of cellular telephones and assigned a unique identification code within a memory of the remote central station; processing instructions received by the remote central station including at least one unique identification code for identifying at least one telephone directory stored within the remote central station; and transferring the at least one identified telephone directory to at least two of the plurality of cellular telephones. One of the at least two of the plurality of cellular telephones includes a cellular telephone which does not correspond to the at least one identified telephone directory. The plurality of cellular telephones have the capability of transferring a respective telephone directory to the remote central station for storage therein. (See, e.g., page 14, line 11 to page 16, line 18; page 22, lines 8-21; page 23, line 9 to page 25, line 7)

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether Claims 1-9 and 32 are unpatentable under 35 U.S.C. §103(a) over Sagar (U.S. Patent No. 6,873,841) (Sagar) in view of Brown (Pub. No. US 2002/0156895) (“Brown”); whether Claims 10-11 and 13-14 are unpatentable under 35 U.S.C. §103(a) over Sagar and Brown, and further in view of Comp (Pub. No. US 20040203579 (“Comp”)); whether Claims 17-20, 22-23, 26 and 28-20 are unpatentable under 35 U.S.C. §103(a) over Comp in view of Brown; and whether Claims 21 and 24-25 are unpatentable under 35 U.S.C. §103(a) over Comp and Brown, and further in view of Sagar.

VII. ARGUMENT

I. REJECTION OF CLAIMS 1-9 and 32

Rejection: Claims 1-9 and 32 were rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,873,841 (“Sagar”) in view of U.S. Patent Publication No. 20020156895A1 (“Brown”).

As admitted by the Examiner on page 6 of the Final Office Action, Sagar “does not specifically disclose a cellular phone wherein the remote central station storing a plurality of telephone directories *each assigned a unique identification code* and assigned to the transmitted unique identification code to the received telephone directory, wherein said telephone directory including a listing created and transmitted to the remote central station using a computing device not corresponding to a subscriber of the cellular telephone.”

It is respectfully submitted that Brown does not address at least these limitations which the Examiner indicates are not disclosed by Sagar. Brown is directed to a system and method for sharing contact information stored within a database. There is no disclosure or suggestion by Brown that the contact information or portions thereof are assigned unique identification codes, as required by Appellants’ Claim 1.

Brown discloses at paragraph 0042 that “contacts information module 214, 314 receives a request to view contact information *for a particular person*, as indicated in block 610, and then retrieves the requested contact information, as indicated in block 612...At this point, the contact information is displayed to the user, as indicated in block 614, with the display 206.” (Emphasis added)

Brown teaches receiving a request to view contact information “for a particular person.” This infers that the user in Brown’s system needs to transmit to the contacts information module 214, 314 the particular person’s name (not a unique identification code assigned to a telephone directory listing corresponding to the particular person as required by Appellants’ Claim 1).

In stark contrast to the teachings of Brown which describe receiving a request to view contact information “for a particular person”, Appellants’ Claim 1 requires “*transmitting a unique identification code* to the remote central station; receiving a telephone directory listing stored in a memory of the remote central station and *assigned the transmitted unique identification code*, said telephone directory including at least one telephone directory listing created and transmitted to the remote central station using a computing device not corresponding to a subscriber of the cellular telephone.”

In response to the Examiner’s statements on pages 2-3 of the Final Office Action under the heading “Response to Arguments”, which do not include the recitations of Appellants’ Claim 1 which as mentioned above are in stark contrast to the teachings of Brown, the Examiner refers to paragraphs 0033-0036 of Brown to conclude that “one skilled in the art would find it obvious that [a] specific directory associated with different members are identified by different and unique identifier[s].” The Examiner misconstrues these paragraphs of Brown—they do not describe identifying different telephone directories with different and unique identifiers.

Appellants respectfully submit that paragraphs 0033-0036 of Brown describe determining whether a user is authorized to access stored information. In particular, paragraphs 0033 and 0034 of Brown describe enabling a user to access the stored information by first entering a username and

a password to determine if the user is authorized to access the application. According to Brown, once the user is determined to have access, the user is able to access the stored information. After accessing the stored information, the user can enter identity information of another person that he desires to also have access to the stored information, especially the user's stored contact information (see paragraph 0035). The entered identify information is then used by the other person to access the stored contact information (see paragraph 0036). There is no teaching or suggestion by Brown of assigning a telephone directory listing with a unique identification code.

Therefore, Brown does not address the deficiencies of Comp, since as with Comp, there is no disclosure or suggestion by Brown of assigning a telephone directory listing with a unique identification code, let alone, "*transmitting a unique identification code to the remote central station; receiving a telephone directory listing stored in a memory of the remote central station and assigned the transmitted unique identification code, said telephone directory including at least one telephone directory listing created and transmitted to the remote central station using a computing device not corresponding to a subscriber of the cellular telephone,*" as recited by Appellants' independent Claim 1.

Accordingly, withdrawal of the rejection under 35 U.S.C. 103(a) with respect to independent Claim 1 and allowance thereof are respectfully requested.

Claims 2-9 and 32 depend from independent Claim 1 and therefore contain all of the features of independent Claim 1. Therefore, for at least the reasons presented above for the patentability of Claim 1, it is respectfully submitted that Claims 2-9 and 32 are also patentable. Accordingly, withdrawal of the rejection under 35 U.S.C. 103(a) with respect to Claims 2-9 and 32 and allowance

of these claims are respectfully requested.

II. REJECTION OF CLAIMS 10-11 and 13-14

Rejection: Claims 10-11 and 13-14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Sagar and Brown, further in view of U.S. Patent Publication No. 20040203579 ("Comp").

Claims 10-11 and 13-14 depend from independent Claim 1 and therefore contain all of the features of independent Claim 1. Further, Comp does not address the deficiencies of Sagar and Brown with respect to Appellants' Claim 1. Therefore, for at least the reasons presented above for the patentability of Claim 1 and that Comp does not address the deficiencies of Sagar and Brown with respect to Appellants' Claim 1, it is respectfully submitted that Claims 10-11 and 13-14 are also patentable. Accordingly, withdrawal of the rejection under 35 U.S.C. 103(a) with respect to Claims 10-11 and 13-14 and allowance of these claims are respectfully requested.

III. REJECTION OF CLAIMS 17-20, 22-23, 26 and 28-30

Rejection: Claims 17-20, 22-23, 26 and 28-30 were rejected under 35 U.S.C. 103(a) as being unpatentable over Comp in view of Brown.

As admitted by the Examiner in the Final Office Action, Comp "does not specifically disclose identifying at least a portion of a telephone directory of the plurality of telephone directories stored by the remote central station and corresponding to at least one of the plurality of cellular telephones and transferring at least the identified portion of the telephone directory to at least two of the plurality of cellular telephones, wherein the identified portion of the telephone directory includes at least one telephone directory listing created and transmitted to the remote central station using a computer device not corresponding to a subscriber of at least one of the at

least two of the plurality of cellular telephones.” This language is quoted by the Examiner from Appellants’ Claim 17.

The Examiner states that Brown addresses the deficiencies of Comp.

Appellants Claim 17 was amended during prosecution to add the following: “wherein the at least two of the plurality of cellular telephones belong to a subset of cellular telephones and said at least two of the plurality of cellular telephones each transmit a signal to said remote central station identifying themselves as belonging to said subset prior to said remote central station transferring the at least the identified portion of the telephone directory to the at least two of the plurality of cellular telephones.” It is further respectfully submitted that neither Comp nor Brown disclose or suggest these features recited by Appellants’ Claim 17. Support for this claim language which is in stark contrast to the teachings of Comp and Brown, taken alone or in any proper combination, can be found at page 6, lines 11-19 and page 16, lines 1-18 of Appellants’ specification.

Claim 23 was also amended during prosecution to recite similar features as those recited by Claim 17.

In response to the Examiner’s statements on pages 3-4 of the Final Office Action under the heading “Response to Arguments”, which include the recitations of Appellants’ Claim 17 which as mentioned above are in stark contrast to the teachings of Brown, the Examiner refers to paragraphs 0033-0036 and 0040-0046 of Brown to conclude “Thus, members of the group can access other members’ directories. And as stated above, to access the directory, the requesters have to provide identification information.”

As stated above with respect to Claim 1, Appellants respectfully submit that paragraphs 0033-0036 of Brown describe determining whether a user is authorized to access stored information.

In particular, paragraphs 0033 and 0034 of Brown describe enabling a user to access the stored information by first entering a username and a password to determine if the user is authorized to access the application. According to Brown, once the user is determined to have access, the user is able to access the stored information. After accessing the stored information, the user can enter identity information of another person that he desires to also have access to the stored information, especially the user's stored contact information (see paragraph 0035). The entered identify information is then used by the other person to access the stored contact information (see paragraph 0036).

Paragraphs 0040-0042 further describe enabling other users to access one's contact folder after determining whether the other users are authorized to access one's contact folder, and, if so, enabling the other users to access one's contact folder. By way of example, paragraph 0041 states "Once the request [to access a contacts folder] is received, the contacts information module 214, 314 presents the user with the requested folder...At this point, the user can browse through the contacts identified within the folder." Paragraphs 0043-0046 describe sharing information by group members after creating a virtual directory by an administrator, and using received identifying information to determine if a group member is authorized to access the stored information—there is no teaching or suggestion that the identifying information is assigned to a particular telephone directory or a portion thereof.

Therefore, Brown does not address the deficiencies of Comp, since, as with Comp, there is no disclosure or suggestion by Brown of storing a plurality of telephone directories each assigned an individual identification code, let alone, "wherein the at least two of the plurality of cellular telephones belong to a subset of cellular telephones and said at least two of the plurality of cellular

telephones each transmit a signal to said remote central station identifying themselves as belonging to said subset prior to said remote central station *transferring the at least the identified portion of the telephone directory to the at least two of the plurality of cellular telephones,*" as recited by Appellants' independent Claim 17, and similarly recited by Appellants' independent Claim 23.

It is therefore respectfully submitted that in view of the arguments presented above, independent Claims 17 and 23 are allowable over Comp in view of Brown. Accordingly, withdrawal of the rejection under 35 U.S.C. 103(a) and allowance of independent Claims 17 and 23 are respectfully requested.

Claims 18-20, 22, 26, and 28-30 depend from independent Claims 1, 17 and 23 and therefore contain all of the features of independent Claims 1, 17 and 23. Therefore, for at least the reasons presented above for the patentability of Claims 1, 17 and 23, it is respectfully submitted that Claims 18-20, 22, 26, and 28-30 are also patentable. Accordingly, withdrawal of the rejection under 35 U.S.C. 103(a) with respect to Claims 18-20, 22, 26, and 28-30 and allowance of these claims are respectfully requested.

IV. REJECTION OF CLAIMS 21 and 24-25

Rejection: Claims 21 and 24-25 were rejected under 35 U.S.C. 103(a) as being unpatentable over Comp and Brown, and further in view of Sagar.

Claims 21 and 24-25 depend from independent Claims 17 and 23, respectively, and therefore contains all of the features of independent Claims 17 and 23. Further, Sagar does not address the deficiencies of Comp and Brown with respect to independent Claims 17 and 23. Therefore, for at least the reasons presented for the patentability of Claims 17 and 23, it is respectfully submitted that Claims 21 and 24-25 are also patentable. Accordingly, withdrawal of the rejection under 35 U.S.C.

103(a) with respect to Claims 21 and 24-25 and allowance of these claims are respectfully requested.

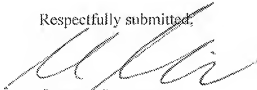
V. CONCLUSION

Independent Claims 1, 17 and 23 and their respective dependent claims are patentable over the cited references, taken alone or in any proper combination, and therefore the reversal of the rejections with respect to these claims should be reversed.

The Appeal Brief was previously paid when the Appellants filed their first Appeal Brief on November 9, 2007.

Dated: June 7, 2010

Respectfully submitted,



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CLAIMS APPENDIX

1. (Previously Presented) A cellular telephone comprising:

a memory storing a telephone directory;

a processor having access to the telephone directory stored in the memory; and

a set of instructions capable of being executed by the processor for:

establishing a communication link with a remote central station storing a plurality of

telephone directories each assigned a unique identification code;

transmitting a unique identification code to the remote central station;

receiving a telephone directory stored in a memory of the remote central station and assigned the transmitted unique identification code, said telephone directory including at least one telephone directory listing created and transmitted to the remote central station using a computing device not corresponding to a subscriber of the cellular telephone; and

storing the received telephone directory in the memory of the cellular telephone.

2. (Previously Presented) The cellular telephone according to Claim 1, wherein the remote central station identifies the telephone directory stored within the memory of the remote central station using the transmitted unique identification code.

3. (Previously Presented) The cellular telephone according to Claim 1, wherein the received telephone directory was created and transferred to the remote central station using a computing device other than the cellular telephone.

4. (Previously Presented) The cellular telephone according to Claim 1, further comprising:

a display for displaying the telephone directory; and

a keypad for selecting at least a portion of the displayed telephone directory desired to be transmitted from the remote central station to the cellular telephone, wherein the received telephone directory only includes the selected portion of the displayed telephone directory.

5. (Previously Presented) The cellular telephone according to Claim 1, wherein the step of storing the received telephone directory includes overwriting at least a portion of the telephone directory stored within the memory of the cellular telephone with the received telephone directory.

6. (Previously Presented) The cellular telephone according to Claim 1, wherein the step of transmitting the unique identification code to the remote central station occurs on a periodic basis.

7. (Previously Presented) The cellular telephone according to Claim 1, wherein the processor executes the set of instructions for instructing the remote central station to broadcast the telephone directory to a plurality of cellular telephones.

8. (Previously Presented) The cellular telephone according to Claim 1, wherein the processor executes the set of instructions for:

receiving a message transmitted from the remote central station indicating that the telephone directory is available for transmission from the remote central station to the cellular telephone for storage within the memory of the cellular telephone; and

transmitting a signal to the remote central station, said signal including at least an identification code identifying the telephone directory available for transmission.

9. (Previously Presented) The cellular telephone according to Claim 1, wherein the processor executes the set of instructions for instructing the remote central station to transmit the telephone directory to a computing device via at least one network.

10. (Previously Presented) The cellular telephone according to Claim 1, wherein the processor executes the set of instructions for transferring the telephone directory stored in the memory of the cellular telephone to the remote central station and instructing the remote central station to store the transferred telephone directory within a memory for a particular time period.

11. (Previously Presented) The cellular telephone according to Claim 10, wherein the processor executes the set of instructions for automatically instructing the remote central station to transmit the stored telephone directory or a portion thereof to the cellular telephone after lapse of the particular time period.

12. (Cancelled)

13. (Previously Presented) The cellular telephone according to Claim 1, wherein the processor executes the set of instructions for transmitting information corresponding to the subscriber to the remote central station during a registration process, wherein the registration process includes registering the subscriber with the remote central station.

14. (Previously Presented) The cellular telephone according to Claim 1, wherein the processor executes the set of instructions for:

identifying a calling party's telephone number and an entity the telephone number is assigned to, i.e., Caller ID information; and

transmitting the Caller ID information to the remote central station for creating a telephone directory listing using the Caller ID information and storing the telephone directory listing within the memory of the remote central station.

15. (Cancelled)

16. (Cancelled)

17. (Previously Presented) A telephone directory management system comprising:

a remote central station having a memory for storing a plurality of telephone directories each assigned an individual identification code and at least one processor having access to the plurality of telephone directories stored in the memory;

a plurality of cellular telephones each corresponding to a different subscriber and each storing a telephone directory and having a processor for executing a set of instructions for:

establishing a communication link with the remote central station; and

transferring at least a portion of the telephone directory stored therein to the remote central station; and

a set of instructions capable of being executed by the at least one processor for:

identifying at least a portion of a telephone directory of the plurality of telephone directories stored by the remote central station and corresponding to at least one of the plurality of cellular telephones and transferring at least the identified portion of the telephone directory to at least two of the plurality of cellular telephones, wherein the identified portion of the telephone directory includes at least one telephone directory listing created and transmitted to the remote central station using a computing device not corresponding to a subscriber of at least one of the at least two of the plurality of cellular telephones, and wherein the at least two of the plurality of cellular telephones belong to a subset of cellular telephones and said at least two of the plurality of cellular telephones each transmit a signal to said remote central station identifying themselves as belonging to said subset prior to said remote central station transferring the at least the identified portion of the telephone directory to the at least two of the plurality of cellular telephones.

18. (Original) The system according to Claim 17, wherein the establishing and transferring steps are performed on a periodic basis.

19. (Original) The system according to Claim 17, wherein identifying and transferring steps are performed on a periodic basis.

20. (Previously Presented) The system according to Claim 17, wherein the processor of at least one of the plurality of cellular telephones executes the set of instructions for instructing the remote central station to broadcast a telephone directory stored within the memory to the plurality of cellular telephones.

21. (Previously Presented) The system according to Claim 17, wherein the processor executes the set of instructions for:

receiving a message transmitted from the remote central station indicating that a telephone directory is available for transmission; and

transmitting a signal to the remote central station, said signal including at least an identification code identifying the telephone directory available for transmission.

22. (Previously Presented) The system according to Claim 17, wherein the processor executes the set of instructions for:

identifying a calling party's telephone number and an entity the telephone number is assigned to, i.e., Caller ID information; and

transmitting the Caller ID information to the remote central station for creating a telephone directory listing using the Caller ID information and storing the telephone directory listing within the memory of the remote central station.

23. (Previously Presented) A method for managing telephone directories corresponding to a plurality of cellular telephones, said method comprising the steps of:

storing a plurality of telephone directories each corresponding to a respective one of the plurality of cellular telephones and assigned a unique identification code within a memory of the remote central station;

processing instructions received by the remote central station including at least one unique identification code for identifying at least one telephone directory stored within the remote central station; and

transferring the at least one identified telephone directory to at least two of the plurality of cellular telephones, wherein one of the at least two of the plurality of cellular telephones includes a cellular telephone which does not correspond to the at least one identified telephone directory, wherein the plurality of cellular telephones have the capability of transferring a respective telephone directory to the remote central station for storage therein, [[and]] wherein the at least one identified telephone directory includes at least one telephone directory listing created and transmitted to the remote central station prior to being transferred to the at least two of the plurality of cellular telephones using a computing device not corresponding to a subscriber of at least one of the at least two of the plurality of cellular telephones, and wherein the at least two of the plurality of cellular telephones belong to a subset of cellular telephones and said at least two of the plurality of cellular telephones each transmit a signal to said remote central station identifying themselves as belonging to said subset prior to said remote central station transferring the at least one identified telephone directory to the at least two of the plurality of cellular telephones.

24. (Previously Presented) The method according to Claim 23, wherein prior to processing, further comprising the step of transmitting a message by the remote central station to at least a subset of the plurality of cellular telephones indicating that the at least one telephone directory is available for transmission to at least the subset of the plurality of cellular telephones for storage thereat.

25. (Previously Presented) The method according to Claim 24, further comprising the step of transmitting a signal by each of the cellular telephones of the subset of the plurality of cellular telephones upon receiving the transmitted message from the remote central station.

26. (Previously Presented) The method according to Claim 23, further comprising the steps of:

receiving Caller ID information, i.e., a calling party's telephone number and an entity the telephone number is assigned to;

processing the received Caller ID information to create at least one telephone directory listing; and

storing the at least one telephone directory listing within the memory of the remote central station, wherein the at least one identified telephone directory includes the at least one telephone directory listing.

27. (Cancelled)

28. (Previously Presented) The method according to Claim 26, wherein the telephone directory listing includes information selected from the group consisting of name, home telephone number, mobile telephone number, home address, business address, e-mail address, and web-site address.

29. (Original) The method according Claim 23, further comprising the step of charging a fee to at least one subscriber of the plurality of cellular telephones.

30. (Previously Presented) The method according to Claim 23, wherein prior to the transferring step, displaying the at least one identified telephone directory via a display of at least one of the plurality of cellular telephones; and

selecting at least a portion of the displayed telephone directory desired to be transmitted from the remote central station to the at least one of the plurality of cellular telephones.

31. (Cancelled)

32. (New) The cellular telephone according to Claim 1, wherein the cellular telephone belongs to a subset of cellular telephones and said processor further transmits a signal to said remote central station identifying the cellular telephone as belonging to said subset prior to said remote central station transferring the telephone directory to the cellular telephone.

EVIDENCE APPENDIX

There is no evidence submitted pursuant to 37 C.F.R. §§ 1.130, 1.131 or 1.132 or of any other evidence entered by the examiner and relied upon by Appellants in the appeal.

RELATED PROCEEDINGS APPENDIX

There are no related proceedings by a court or the Board of Patent Appeals and Interferences.